

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

FEB 23 2016

for the

MATTHEW J. DYKMAN
CLERKUnited States of America
v.
Dabert Wayne Comanche (YOB 1981)

Case No.

16mjlele-3

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 14, 2014 to February 2016 in the county of Lincoln in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 2250

Failure to Register under the Sex Offender Registration and Notification Act

This criminal complaint is based on these facts:

Dabert Wayne Comanche, an individual required to register under the Sex Offender Registration and Notification Act,
Knowing Failed to register as a Sex Offender.☒ Continued on the attached sheet.

Complainant's signature

Christopher Roberson, Deputy U.S. Marshal

Printed name and title

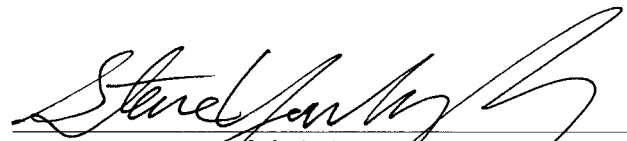
Sworn to before me and signed in my presence.

Date:

2/23/16

City and state:

Albuquerque, NM



Judge's signature

Steven C. Yarbrough

Printed name and title

U.S. Magistrate Judge

I, Deputy Christopher M. Roberson, being duly sworn, depose and state that:

1. I am a Deputy United States Marshal assigned to the District of New Mexico, Albuquerque South West Investigative Task Force. I have been employed with the U.S. Marshal Service since 2010. I have completed the Basic Deputy U.S. Marshal training Academy as well as a Criminal Investigative Training Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. As a Deputy with the U.S. Marshal Service, my assignment is the apprehension of federal and state felony fugitives, including unregistered sex offenders. I am authorized under 28 U.S.C. 564 to enforce law of the United States, including the provisions of 42 U.S.C. 16901 et seq., the Sex Offender Registration and Notification Act (SORNA), and 18 U.S.C. 2250, Failure to Register.

2. I make this affidavit in support of the criminal complaint charging Dabert Wayne Comanche with a violation of 42 U.S.C. 16913(c) and 18 U.S.C. 2250 in that he knowingly Failed to update his Sex Offender Registration. The information contained herein was investigated by the affiant or submitted by other law enforcement personnel. The Affidavit is being submitted for the limited purpose of securing a criminal complaint; I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe is necessary to establish probable cause to demonstrate that Title 18 U.S.C. 2250 and 42 U.S.C. 16913(c) have been violated.

3. On April 17, 2002, a Grand Jury Indictment charged Comanche with 18 USC 1153, Crime on an Indian Reservation, 18 USC 2241(c) and 2246(2)(D): Aggravated Sexual Abuse of a Child. On April 30, 2003, Comanche was convicted in the United States District Court for the District of New Mexico in case number 2:02-CR-00599, for a Sex Offense Against a Child and was sentenced to 78 months Custody of Bureau of Prisons. The Judgment for this conviction states that Comanche is ordered to comply with the following terms and special conditions of supervision: "The defendant must register as a sex offender at the Sheriff's Office or designated agency, in the county of residence, within the time frame required by state statute."

4. On October 13, 2010, Comanche was sentenced in the United States District Court, District of New Mexico, in case number 2:02-CR-00599-001MV, related to a revocation while on supervised release. Comanche was sentenced to the Bureau of Prisons for a term of 9 months. The Court did not impose any additional term of supervised release. The residence listed on this Judgment for defendant Comanche, was 428 Pinon Acres, Mescalero, New Mexico. On June 8, 2011, Comanche was released from the Bureau of Prisons, Residential Reentry Center, Diersen Charities, located in Las Cruces, New Mexico. The address of proposed residence listed on this notice of release and arrival was for 721 White Mountain Drive, Mescalero, New Mexico.

5. On June 1, 2011, prior to his release from the Bureau of Prisons, Residential Reentry Center, Comanche signed and acknowledged the "Offender Notice and Acknowledgment of Duty to Register as a Sex Offender". This form includes the paragraph which states the following: "The sex offender shall, not later than 3 business days after each change in name, residence, employment, or student status, appear in person in at least one jurisdiction in which the offender is registered and inform that jurisdiction of all

changes in the information required. (42 U.S.C. § 16913(c)).” Comanche signed this document at the bottom of the form.

5. On February 22, 2016, the United States Marshal Service, District of New Mexico, was contacted by Deputy Erik Barlow with the San Juan County Sheriff Office regarding a possible violation of the Adam Walsh Act by Dabert Wayne Comanche. On February 20, 2016, Comanche had interaction with the San Juan County Sheriff Office. During this investigation, it was found that Comanche was a registered sex offender out of Alamogordo, New Mexico. During this interaction with San Juan County Sheriff Officers, they noticed a liquor bottle protruding from the left front pant pocket of Comanche. Comanche was arrested and booked on one count of Possession, Consumption, Sale or Service in Public Places (open container). According to the Statement of Probable Cause related to this arrest, Affiant Officer Casey Hayden states, “Mr. Comanche stated he had been staying at the Motel 6 in Farmington NM for approximately 2 weeks.” Deputy Barlow interviewed Comanche at the detention facility related to any failure as a sex offender to register with San Juan County. Comanche told Deputy Barlow he had come to Farmington on February 20 and had been residing at the Motel 6. Comanche stated he was in Dulce prior to that date. Comanche is currently in custody in the San Juan County Detention Center, but is expected to be released.

6. On February 22, 2016, Deputy U.S. Marshal Roberson reviewed the Public Sex Offender Registry for the Mescalero Apache Tribe. Dabert Wayne Comanche is listed as an absconder. The “Absconder Details” state the following: “Offender was to report to the Mescalero Police Station for their registry. Officers attempted to make contact with the offender with no success. Offender was last seen in the area and he is not complying with his registration.” The Mescalero Apache Tribe has the last verification date for Comanche as October 14, 2014. This Sex Offender Registry has Comanche listed as a “Tier 3” offender type.

7. Based on the conviction in Federal Court, specifically 18 USC 2241(c) and 2246(2)(D): Aggravated Sexual Abuse of a Child, and the noted Tier 3 offender type, Comanche is required to register for life as a sex offender.

8. On February 22, 2016, Deputy U.S. Marshal Roberson conducted checks through the Department of Public Safety Sex Offender Registry websites for the States of New Mexico, Arizona, Utah, and Texas. Comanche is not registered as a sex offender within any of these States. On February 22, 2016, Deputy U.S. Marshal contacted Carlys Balatche with the Mescalero Tribal Courts. Mrs. Balatche is responsible for some records related to Sex Offender registry information, but that in this case the Bureau of Indian Affairs has records related to registration and compliance for Comanche. Mrs. Balatche stated the Department of Public Safety for the State of New Mexico has no information related to Comanche for this reason.

9. As of February 22, 2016, the affiant alleges Comanche knowingly failed to comply with the rules and guideline required by 42 U.S.C. 16901 et seq., the Sex Offender Registration and Notification Act (SORNA), and 18 U.S.C. 2250, Failure to Register. Where Comanche on April 30, 2003, having been convicted of Aggravated Sexual Abuse of a Child, Crime on an Indian Reservation, title 18 U.S.C. 2241(c)

and 2246(2)(D), by United States District Court of New Mexico. After October 14, 2014, Comanche failed to update his registration with the Mescalero Apache Tribe and has been listed as an absconder. On February 20, 2016, Comanche was located in San Juan County, New Mexico and had not registered with this County and failed to update his address with this County within three days.

10. WHEREFORE, it is respectfully submitted that probable cause exists to believe that Dabert Wayne Comanche did commit an offense in violation of Title 42 U.S.C. § 16913 and 18 U.S.C. § 2250; having been convicted of Aggravated Sexual Abuse of a Child by the United States District Court for the District of New Mexico, and knowingly failed to register as a sex offender.



Christopher Roberson

Deputy U.S. Marshal

Sworn to and Subscribed before me this 23 day of February, 2016.



United States Magistrate Judge